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Congress of the United States

House of Representatives COMMITTEE ON HOUSE ADMINISTRATION

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ONE HUNDRED SIXTEENTH CONGRESS

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September 22, 2020

Peter S. Kosinski
Co-Chair
New York State Board of Elections
40 North Pearl St., Ste. 5
Albany, NY 12207-2729

Douglas A. Kellner
Co-Chair
New York State Board of Elections
40 North Pearl St., Ste. 5
Albany, NY 12207-2729

Dear Mr. Kosinski and Mr. Kellner:

As Ranking Member of the Committee on House Administration in the U.S. House of Representatives, which has broad jurisdiction over election issues, I write to you because of the election security and administration issues that were brought to light in the August 29, 2020, *New York Post* article, *Confessions of a voter fraud: I was a master at fixing mail-in ballots*.¹ The article outlines the relative ease in which vote-by-mail is weaponized to disenfranchise New Yorkers and benefit political actors. The allegations brought to light in the *New York Post* article, coupled with the problems I have identified in the state's June primary—which saw the ballots for one in five New York voters rejected—have me gravely concerned.² Included in this letter are references to the issues discussed in the article as well as oversight questions aimed at reassuring me, and the voters of New York, that steps are taken to address these election security concerns.

- a. *Mail-in ballots not received:* In 2017, more than 500 mail-in ballots in New York City never arrived ahead of the November election and were not discovered until April 2018. At the time of the discovery, the New York City Board of Elections Executive Director Michael Ryan said some baskets of mail that were bound for New York City Board of Elections were “put off to the side at the Brooklyn processing facility.” The United States Postal Service Office of the Inspector General (USPS OIG) recently published an audit report, which included reviewing operations at Processing and Distribution Centers (P&DCs) that were processing mail for a special or primary election.³ Brooklyn P&DC was one of the seven P&DCs visited. The report detailed the Postal Service's readiness for

¹ Jon Levine, *Confessions of a voter fraud: I was a master at fixing mail-in ballots*, N.Y. Post, Aug. 2020, <https://nypost.com/2020/08/29/political-insider-explains-voter-fraud-with-mail-in-ballots/>.

² Edward-Isaac Dovere, *The Chaos in New York Is a Warning: The first large-scale test of mail-in voting in the pandemic has left one in five New Yorkers with their votes tossed out*, The Atlantic, July 24, 2020, <https://www.theatlantic.com/politics/archive/2020/07/new-york-election-failure-mail-in-voting/614446/>. See also Jada Yuan, *A month later, this New York City primary is still a train wreck and a warning to us all*, Wash. Post, July 25, 2020, https://www.washingtonpost.com/lifestyle/style/a-month-later-this-new-york-city-primary-is-still-a-train-wreck-and-a-warning-to-us-all/2020/07/25/1c19f9c4-cb68-11ea-b0e3-d55bda07d66a_story.html;

³ U.S. Postal Service Office of Inspector General's audit report, *Processing Readiness of Election and Political Mail During the 2020 General Elections*, (Report Number 20-225-R20, August 31, 2020), <https://www.uspsig.gov/document/processing-readiness-election-and-political-mail-during-2020-general-elections>.

timely processing of election and political mail ahead of November's general election. The OIG found that the Brooklyn P&DC went three days where the election and political mail scheduled to be delivered the next day remained at the facility.⁴

1. What, if any, investigation did the New York State Board of Elections conduct to determine why these baskets in 2017 were put off to the side at the Brooklyn P&DC?
 - i. If there was an investigation, what were the results or findings?
 - ii. If there not an investigation, why not?
 2. What, if any, contact did the New York State Board of Elections have with the Chief Logistics and Processing Operation officer at the Brooklyn P&DC regarding these issues?
 - i. If no contact was attempted, why not?
 3. In light of the recent audit by USPS OIG, what steps will the New York State Board of Elections take, if any, to better the working relationship between the postal carriers at the Brooklyn P&DC given that Governor Cuomo has ordered that all New York voters will be able to vote by mail this November?
- b. Failure to identify co-conspiring USPS employees:* The whistleblower quoted by the *New York Post* also indicated that some USPS employees are “in on the scam”: “You have a postman who is a rabid anti-Trump guy and he’s working in . . . some Republican stronghold . . . He can take those [filled-out] ballots, and knowing 95% are going to a Republican, he can just throw those in the garbage.”
1. What current efforts are made by your office to work with USPS and the Postal Inspection Service to recognize potential election crimes and other irregularities and to identify those involved?
 2. What reforms will your office enact to this process, in order to ensure this whistleblower’s concerns are taken seriously?
 3. How does your office investigate and/or track ballots that may have been discarded?
- c. Failure to prevent voter coercion at nursing homes:* The whistleblower also indicated that significant voter coercion occurs at nursing homes, where political operatives will “assist” elderly voters in filling out their ballots. This is extremely concerning given New York state has the third highest number of nursing facility residents in the country.⁵

⁴ *Id.* at 14.

⁵ Kaiser Family Foundation, *Total Number of Residents in Certified Nursing Facilities*, 2019, <https://www.kff.org/other/state-indicator/number-of-nursing-facility->

1. What is the current practice of sending New York election officials to observe and adjudicate nursing home voting?
 2. Has your office ever been referred or investigated allegations of nursing home voter fraud?
 3. What steps will your office take to ensure that elderly New Yorkers are not disenfranchised?
- d. *Failure to identify voter impersonation:* Finally, the whistleblower indicated that when all else failed, he would send operatives to vote in person in place of actual registered voters who routinely skip presidential or municipal elections. I am also aware of reports of unscrupulous ballot requests being received, purportedly from voters who have been deceased for a significant period of time. More concerning is this is not the first whistleblower to raise this point. In 2013 the New York City Department of Investigation (DOI) issued a report on New York City's Board of Elections' election administration.⁶ The report included an interview with a former Board of Election employee who stated people are easily able to vote as ineligible voters who remain on the rolls, including deceased individuals, felons, and non-residents of New York City.⁷ Specifically, DOI investigators found they were able to "cast a ballot" for all but two or 97% of the ineligible voters who were listed in the registration books.⁸
1. The whistleblower admits to directing persons to impersonate voters by recreating the signature that already appears in the voter registration database. Yet, New York does not require any form of voter identification at the polls. In the 2013 DOI report, a former New York City Board of Elections employee stated poll workers do not scrutinize the signatures of voters to determine if they are similar. Further, the DOI investigators confirmed this point and reported poll workers did not meaningfully review the signatures and did not check the dates of birth listed in the registration books.⁹ How does your office prevent, identify, and remediate this type of in-person voter impersonation?
 - i. What efforts, does your office provide to train poll workers to compare signatures while working the polls on election day?
 2. Upon discovering in-person voter fraud, does your office notify the affected registered voters that they have been the victim of an election crime?

residents/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Number%20of%20Nursing%20Facility%20Residents%22,%22sort%22:%22desc%22%7D.

⁶ Rose Gill Hearn, Comm'r, New York City Department of Investigation, *Report on the New York City Board of Elections' Employment Practices, Operations, and Election Administration*, 12 (2013). On file with the Committee.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* at 13

3. What efforts does New York take to maintain the accuracy of its voter rolls? In your answer, please explain how the registrations of ineligible registrants (*i.e.*, those who have moved out of state, etc.) and deceased voters are identified and removed.
4. Assuming New York performs some list maintenance, how often are these maintenance tasks performed and how frequently do county election officials receive updates?
5. In the DOI report, 39 deceased individuals remained on the rolls and in every case an investigator was able to obtain and cast a ballot on their behalf. In one instance, a 24-year-old investigator was able to cast a ballot at a Manhattan poll site for an individual who died a year prior and would have been 89.¹⁰ How does New York prevent the successful impersonation of deceased voters, both in person and by mail?

In recent months, New York state has made a tremendous shift to increase voting by mail. Unfortunately, due to this shift and last-minute changes, many counties and most significantly New York City saw substantial challenges during the states June 23rd primary. I wrote a letter to Ms. Taylor, President of the New York City Board of Elections, outlining my concerns and looking for answers on what changes would be implemented ahead of November so that voters are not disenfranchised. Still today, that letter has gone unanswered.

The claims made by the whistleblower are simply unacceptable. It is critical that the American people have confidence in their elections. It is my hope that these oversight questions will begin to restore that confidence. We must all work to ensure that very qualified voter who wants to vote has the opportunity to do so and that every lawful vote is be counted.

Please submit answers to these questions to my office by October 7, 2020. If you have any questions, please contact my staff at the Committee on House Administration and ask for Caleb Hays, Chief Legal Counsel for Elections, at (202) 225-8281.

Sincerely,



Rodney Davis
Ranking Member

CC: Andrew J. Spano, Commissioner, New York State Board of Elections
Todd D. Valentine, Co-Executive Director, New York State Board of Elections
Robert A. Brehm, Co-Executive Director, New York State Board of Elections

¹⁰ *Id.* at 14